KATZ, MS.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PASHA S. ANWAR et al. Plaintiffs, v. FAIRFIELD GREENWICH LIMITED, et al. Defendants. This Document Relates To: *Bhatia* v. *Standard Chartered Int'l (USA) Ltd.* et al., No. 09 CV 2410	)	No. 09 CV 0118 ~~(Bhatia)~~ (VM) (FM)

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STIPULATION AND [PROPOSED] ORDER

WHEREAS, on March 16, 2009, plaintiffs Jitendra Bhatia, Gopal Bhatia, Kishinchand Bhatia, Jayshree Bhatia and Mandakini Gajaria (the "*Bhatia* Plaintiffs") filed a complaint in the above-captioned action in the United States District Court for the Southern District of New York;

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WHEREAS, the *Bhatia* Plaintiffs delivered by hand a copy of the complaint to the New York office of Standard Chartered Bank on March 31, 2009 and to the registered office of Standard Chartered PLC on April 28, 2009;

WHEREAS, Standard Chartered International (USA) Ltd. and Standard Chartered PLC (the "Standard Chartered Defendants") have taken no position as to whether there has been sufficient service of process in this action with respect to either of the Standard Chartered

Defendants and otherwise reserve any and all defenses to the action, including those defenses provided under Rule 12(b) of the Federal Rules of Civil Procedure;

WHEREAS, on May 6, 2009, the Court consolidated *Bhatia, et al.* v. *Standard Chartered International (USA) et al.*, No. 09-CV-2410 with *Anwar, et al.* v. *Fairfield Greenwich Limited, et al.*, No. 09-CV-0118 for all pretrial purposes;

WHEREAS, on September 18, 2009, the *Bhatia* Plaintiffs filed an amended complaint (the "*Bhatia* Amended Complaint");

WHEREAS, by Order dated October 30, 2009, Magistrate Judge Theodore Katz so ordered a stipulation by the parties extending the Standard Chartered Defendants' time to answer or otherwise respond to the *Bhatia* Amended Complaint to up to and including November 16, 2009;

WHEREAS, on November 12, 2009, counsel to the *Bhatia* Plaintiffs filed a complaint in the United States District Court for the Southern District of New York, captioned *Tradewaves Ltd.* v. *Standard Chartered International (USA) Ltd.*, No. 09-CV-9423 (the "*Tradewaves* Complaint"), which contains factual allegations and claims against the Standard Chartered Defendants that are similar in nature to those alleged in the *Bhatia* Amended Complaint;

WHEREAS, by Order dated November 13, 2009, the Honorable Judge Victor Marrero so ordered a stipulation that adjourned the deadline for Standard Chartered Defendants to answer or otherwise respond to the *Bhatia* Amended Complaint and provided that the parties would submit on or before December 1, 2009, a stipulation and proposed order addressing: (i) service of the *Tradewaves* Complaint, (ii) the nature and timing of responses by the Standard Chartered Defendants to the *Bhatia* Amended Complaint and the *Tradewaves* Complaint, and (iii) potential coordination issues affecting both cases;

WHEREAS, counsel for the parties have been conferring on an agreed schedule that addresses the matters set out in the November 13 Order, but have not yet been able to reach final agreement on all issues, and need additional time to discuss, in particular, potential coordination issues for cases involving the Standard Chartered Defendants; and

WHEREAS, the parties believe than an additional ten (10) days will facilitate the parties' discussions and efforts to arrive at a consensus with regard to preparing a coordinated pre-trial schedule and allow them to present an agreed stipulation and proposed order to the Court.

IT IS HEREBY STIPULATED AND AGREED by and among the undersigned parties through their respective counsel:

1. Without prejudice to any defense the Standard Chartered Defendants may raise, including those provided under Rule 12(b) of the Federal Rules of Civil Procedure, the time for the Standard Chartered Defendants to answer or otherwise respond to the *Bhatia* Amended Complaint and *Tradewaves* Complaint is adjourned to permit further discussions among counsel to the parties concerning (i) service of the *Tradewaves* Complaint, (ii) the nature and timing of responses by the Standard Chartered Defendants to the *Bhatia* Amended Complaint and the *Tradewaves* Complaint, (iii) potential coordination issues affecting *Tradewaves* and *Bhatia*.

2. On or before December 11, 2009, the parties will submit for the Court's consideration a stipulation and proposed order addressing the subjects set forth in paragraph 1, or if no agreement can be reached, will seek the assistance of Judge Katz to resolve any open issues.

Dated: New York, New York
December 1, 2009

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SO ORDERED.

12/3/09

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